

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	8:05CV69
)	
)	
Plaintiff,)	
v.)	JUDGMENT AND DECREE
)	OF FORECLOSURE
MARIE E. KRAENOW,)	AND ORDER OF SALE
)	
Defendant.)	

This matter is before the Court for determination upon the Complaint and the Motion for Entry of Default Judgment filed by the Plaintiff, United States of America. (Filing No. 6). The Plaintiff appears by and through its attorneys, Michael G. Heavican, United States Attorney for the District of Nebraska, and Laurie M. Barrett, Assistant United States Attorney for the District. The Defendant Marie E. Kraenow, failed to answer or otherwise appear or plead to the allegations contained in the Complaint and the Defendant is in default in this action. The motion is supported by the Affidavit of Denise M. Brosius-Meeks and attachments thereto, and by the Declaration of Laurie M. Barrett. (Filing No. 7).

The Court has jurisdiction of these proceedings pursuant to 28 U.S.C. § 1345. Due and legal notice of the pendency of this action has been given, and the Court has acquired jurisdiction of all the parties.

I find that each and all of the allegations of Plaintiff's Complaint are true, and that the Plaintiff is entitled to a Decree of Foreclosure and Order of Sale as requested in its motion. I also find that the premises herein described will sell to the best advantage in one entire tract.

There is due and owing to the Plaintiff as of May 3, 2005, the principal sum of \$23,156.75, plus accrued interest in the amount of \$3,976.02, together with interest

accruing at the rate of \$7.5289 per day, with \$27,594.82 interest credit or subsidy subject to recapture from May 3, 2005, until the date of entry of this decree. Interest will accrue on the sums from and after the date of entry of this decree at the legal rate of 3.30 % computed daily and compounded annually until paid in full. The amount due Plaintiff as stated herein is the first lien on the following described real estate in Cass County, Nebraska, to-wit:

The East Half (E ½) of Referee's Lot Seven (7) except the North 50' thereof, in the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 23, Township 10 North, Range 13, East of the 6th P.M., in the Village of Union, Cass County, Nebraska.

Based on these findings,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. The Plaintiff's Motion for Default Judgment (Filing No. 6) is granted;
2. Judgment is entered against defendant Marie E. Kraenow;
3. The foregoing findings are hereby made a part of this decree and order and by this reference incorporated herein;
4. If the costs as indicated below and the several amounts above found due and interest thereon are not paid within twenty (20) days of the date of this Judgment and Order, all equity of redemption in the premises shall be foreclosed and the premises sold as upon execution in one entire tract;
5. The Plaintiff shall apply for and the Clerk of the United States District Court shall issue an Order of Sale;
6. The United States Marshal for the District of Nebraska shall thereupon advertise and sell, according to law, the aforementioned property;

7. As upon execution, the United States Marshal shall report his proceedings under this Judgment and Order to this Court and shall deposit the proceeds of the sale, if any, into the Registry of the Court;
8. Upon confirmation of the sale, the Clerk shall apply the proceeds as follows:
 - a. First, to the payment of the costs of the Plaintiff, and to the United States Marshal for service of Summons and Complaint and execution of Order of Sale;
 - b. Second, to the payment of the amount found due the Plaintiff with interest thereupon according to law;
 - c. Third, to the payment of the costs of the United States Marshal for per diem and special requirements; and

The Clerk shall retain in the Registry of the Court any surplus from the sale until further order of the Court;

9. The aforementioned costs will be determined, after confirmation of sale, pursuant to the procedures described in Rule 54.1 of the Local Rules of the United States District Court for the District of Nebraska; and
10. Upon confirmation by the Court of the sale of the aforementioned real estate, the United States Marshal shall execute a deed to the purchaser(s); and the parties of this Judgment and Order and all persons claiming under them are ordered to deliver possession of the real estate to such purchaser(s).

Dated this 16th day of June, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

